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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,905	01/04/2002	Blake L. Reynolds	8614.61	8720
21999	7590	03/23/2006		
KIRTON AND MCCONKIE			EXAMINER	
1800 EAGLE GATE TOWER				KARMIS, STEFANOS
60 EAST SOUTH TEMPLE			ART UNIT	PAPER NUMBER
P O BOX 45120				3624
SALT LAKE CITY, UT 84145-0120				
				DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,905	REYNOLDS, BLAKE L.	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 and 18-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 and 18-23 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 29 December 2005.

Status of Claims

2. Claims 1, 11, 18 and 20 are currently amended. Claims 2-10, 12, 19 and 21-23 are previously presented. Claims 13-17 are cancelled. Therefore claims 1-12 and 18-23 are currently pending.

Response to Arguments

3. Applicant's arguments filed 29 December 2005 have been fully considered but they are not persuasive as discussed below. Therefore claims 1-12 and 18-23 stand rejected and Applicant's request for allowance is respectfully declined.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined

application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-12 and 18-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 and 10-16 of copending Application No. 10/271,675. Although the conflicting claims are not identical, they are not patentably distinct from each other because allocating a reward and allocating an incentive are substantially the same. Specifically, claim 18 of the instant application recites a method for encouraging the presentation of a series of unpaid debts to a collection agency for pursuing collection on the unpaid debts wherein it is determined whether to allocate a reward in connection with a request to perform the debt collection. Claim 1 of the 10/271,675 application contain is substantially similar, except that it is determined whether to provide an incentive in response to the request. It is obvious to one of ordinary skill in the art at the time of the Applicant's invention that incentives and rewards are substantially similar because they both provide motivation to encourage a certain performance, specifically the collection of an unpaid debt.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 8-12 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Siegel et al. (hereinafter Siegel) U.S. Publication 2002/0046049.

Claims 1-6, 8-12 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Siegel et al. (hereinafter Siegel) U.S. Publication 2002/0046049 as stated in the previous office action, mailed 17 June 2005. Regarding claim 1, Applicant submits that Siegel fails to teach “sending a request to the collection agency to collect on any unpaid debts.” The Examiner respectfully disagrees. In Siegel, the Customer Service Representatives are acting as the collection agency. They are employed by banks and other companies to handle inquiries by account holders regarding their accounts and to contact account holders regarding market promotions, delinquent accounts and other programs (page 1, paragraph 0003). In order for a CSR to inquire on a delinquent account, they must first receive a request or be notified of the account. Specifically, a CSR logs into an agent workstation and accesses their assigned accounts and the telephonic, Web or other contacts with account holders are distributed to the CSRs.

Therefore Siegel does teach sending a request to the collection agency to collect on an unpaid debt and therefore Applicant's arguments are not persuasive. Claims 11, 18 and 20 contain similar amendments and are therefore rejected under the same reasoning as claim 1. Claims 2-10, 12, 19 and 21-23 remain rejected as stated in the previous office action. Therefore claims 1-12 and 18-23 are rejected and Applicant's request for allowance is respectfully declined.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
08 March 2006



HANI M. KAZIMI
PRIMARY EXAMINER